

Patent
Attorney's Docket No. 032722-421

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Richard A. NAZARIAN et al.

Application No.: 09/030,989

Filed: February 26, 1998

For: ADAPTER POD FOR USE IN
MEDICAL PERfusion SYSTEM

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PETITION UNDER 37 C.F.R. § 1.144
FROM REQUIREMENT FOR RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Date: January 29, 2003

Sir:

This Petition is filed in response to the Final Restriction issued September 6, 2002 (Paper No. 28). In particular, the Examiner stated that newly submitted claims 23-38 are directed to a medical perfusion system classified in class 604 and elected in parent case, now U.S. Patent No. 5,813,972. Applicants respectfully traverse and request reconsideration.

U.S. Patent No. 5,813,972, parent application, was restricted in an Office Action dated September 16, 1997 (Paper No. 7) in which applicants were required to elect between a) claims 1-15 directed to a medical perfusion system or b) claims 16 and 17 directed to an adapter pod. In the parent application, now U.S. Patent No. 5,813,972, the medical perfusion system was elected.

This divisional application was filed February 26, 1998, and is directed to an adapter pod in claims 16-22. In a Preliminary Amendment dated February 11, 2002,

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applicants in the present application added new claims 23-38. These systems claim "[A]n adapter pod for use in a medical perfusion system..., the adapter pod comprising...". These claims are directed to identical subject matter as claims 16, 18 and 21 now being prosecuted. Thus, new claims 23-38 expressly state that they are directed to an adapter pod and not to a medical perfusion system as indicated by the Examiner. Applicants respectfully submit that adding new claims 23-38 to the present application is proper.

Applicants respectfully note that they have traversed the Examiner's restriction in the response filed July 8, 2002. Therefore, applicants believe that this Petition is proper. Reconsideration of the requirement for restriction is respectfully requested.

Although it is believed that no petition fee is due with this Petition, in the event that a petition fee is due please charge our Deposit Account No. 02-4800.

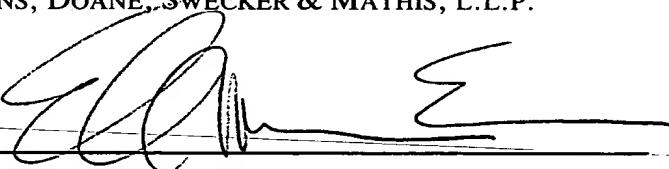
In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fee for such extension of time may be charged to our Deposit Account No. 02-4800.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 02-4800.

Respectfully submitted,

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